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OFFICE OF PETITIONS

In re Application of :
Ryan Robertson, et al. :
Application No. 09/677,526 :
Filed: September 29, 2000 :
Attorney Docket No. 24530.00400 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2004, to revive the above-identified application.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to a final Office action mailed October 8, 2003. A Notice of Abandonment was mailed June 29, 2004.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$950 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2683, for further processing of the request for continued examination under 37 CFR 1.114 filed September 20, 2004.



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